

1 MR. SAYRE: That's civil, you are talking
2 about the Federal Constitution.

3 MR. MINDEL: Federal Constitution, whether it
4 has any bearing on this or not.

5 THE CHAIRMAN: Do you have any statement, Mrs.
6 Bothe?

7 MRS. BOTHE: Well, I will read Article VII of
8 the United States Constitution. It says, In Suits at
9 Common Law where the value in controversy shall exceed
10 twenty dollars, the right of trial by jury shall be pre-
11 served, and no fact tried by a jury shall be otherwise
12 re-examined in any Court of the United States, than
13 according to the rules of the Common Law.

14 Now, frankly, the Committee did not research
15 the possibility that this Federal provision was one which
16 was accorded to the citizens of the States as the Four-
17 teenth Amendment grants certain other rights. I don't
18 believe it does, and the language of Article VII would
19 indicate that the discussion relates to the Courts of the
20 United States and not the State Courts. Of course, our
21 proposal or our discussion is only as applied to the Courts